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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,350	08/29/2001	Steve L Cohen	Cohen 380	9613

7590 06/17/2002
Henry T Brendzel
PO Box 574
Springfield, NJ 07081

EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/17/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,350

Applicant(s)

COHEN ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-31 is/are rejected.
- 7) ☒ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

Reissue Applications

1. The submission establishing ownership interest was signed by applicant's attorney. An attorney or agent of record is not authorized to sign a submission establishing ownership interest, unless he/she has been established as being authorized to act on behalf of the assignee. See MPEP § 324.

2. The reissue oath/declaration filed with this application is defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9-12, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fougnes et al (5,722,067).

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Consider claims 1-2. Fournies teaches in a communication system including at least one network switch (LEC 20 inherently includes at least one switch) coupled, in part, to at least one caller via a communication device uniquely associated with the caller and for establishing the caller's identity in accordance with a number associated with the caller's communication device, comprising a database (19) storing information in accordance with the caller's telephone number (a cellular radiotelephone's preprogrammed a pre-selected telephone number and an automated number ID (ANI); see the abstract), the information indicating a budgeted calling amount for the caller (col. 5, ln. 51 to col. 6, ln. 4; col. 7, ln. 40 to col. 8, ln. 67); a control processor (call processing at the host computer 16) inherently establishing a maximum allowable time length for the caller based on the information and on the destination of the caller's call (col. 8, ln. 26-49), the processor further monitoring the call in progress to determine how much time has elapsed for the call (col. 8, ln. 50-57); and a voice response unit coupled to the processor and to the network for sending one message to the caller indicative of the amount of time available to the caller (col. 8, ln. 67 to col. 9, ln. 8). Fournies does not teach a telephone line uniquely associated with the caller. However, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Fournies in any network environment without changing the scope of the claimed subject matter which is to transmit the ANI and a DNIS to a switch, which contacts a host computer for call validation the pre-paid account. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the teachings of Fournies in

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a land-line telecommunication network, so that the telephone users are freed of the need to enter account information as a first step in the authentication process.

Consider claim 3. Col. 8, ln. 50 to col. 9, ln. 8 reads on the limitations of claim 3.

Consider claims 9-12. Fougnyes' fig. 1 reads on the limitations of claims 9-12.

Consider claim 14. Fougnyes' col. 8, ln. 50 to col. 9, ln. 8 reads on the limitations of claim 14.

Consider claim 16. Fougnyes teaches a method for enabling a caller placing a call to a destination through a communication system including at least one network switch (LEC 20 inherently includes at least one switch) coupled, in part, to at least one caller via a communication device uniquely associated with the caller and for establishing the caller's identity in accordance with a number associated with the caller's communication device, comprising a database (19) storing information in accordance with the caller's telephone number (a cellular radiotelephone's preprogrammed a pre-selected telephone number and an automated number ID (ANI); see the abstract), the information indicating a budgeted calling amount for the caller (col. 5, ln. 51 to col. 6, ln. 4; col. 7, ln. 40 to col. 8, ln. 67); the LEC 20 inherently accessing a routing database for directing the call to the destination; a control processor (call processing at the host computer 16) inherently establishing a maximum allowable time length for the caller based on the information and on the destination of the caller's call (col. 8, ln. 26-49), the processor further monitoring the call in progress to determine how much time has elapsed for the call (col. 8, ln. 50-57); and a voice response unit coupled to the processor and to the network for sending one message to the

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caller indicative of the amount of time available to the caller (col. 8, ln. 67 to col. 9, ln. 8).

Fournies does not teach a telephone line uniquely associated with the caller. However, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Fournies in any network environment without changing the scope of the claimed subject matter which is to transmit the ANI and a DNIS to a switch, which contacts a host computer for call validation the pre-paid account. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the teachings of Fournies in a land-line telecommunication network, so that the telephone users are freed of the need to enter account information as a first step in the authentication process.

5. Claims 4-8, 15, 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournies et al (5,722,067) in view of Taskett (5,991,748).

Consider claim 4. Fournies does not clearly teach sending an indication to the communication device providing courses of action to be taken upon expenditure of the amount.

Taskett teaches sending an indication to the communication device providing courses of action to be taken upon expenditure of the amount (col. 2, ln. 39-52; col. 7, ln. 45 to col. 8, ln. 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Taskett into the teachings of Fournies in order to

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provide a new prepaid calling card that permits that account balance to be regenerated more efficiently and with less risk of error.

Consider claim 5. Taskett further teaches the limitations of claim 6 in (col. 7, ln. 45 to col. 8, ln. 18).

Consider claim 6. Taskett further teaches the limitations of claim 6 in (col. 7, ln. 45 to col. 8, ln. 18).

Consider claim 7. Taskett further teaches enabling the calling customer to pre-pay the budgeted calling time and amount before initiating a call using the budgeted time and amount (col. 7, ln. 1-22).

Consider claim 8. Taskett further teaches enabling the calling customer to pay the budgeted calling time and amount after the budgeted time and amount have been depleted (col. 7, ln. 51 to col. 8, ln. 11).

Consider claim 15. Taskett further teaches extending the budgeted telephone call after the telephone call has exceeded the budgeted time and amount and before the telephone call has been terminated (col. 2, ln. 39-52; col. 7, ln. 45 to col. 8, ln. 11).

Consider claim 21. Fournies teaches a method for interacting with a communication device having an assigned telephone number (a cellular radiotelephone's preprogrammed a pre-selected telephone number and an automated number ID (ANI); see the abstract), comprising deriving the telephone number from a signal received from the communication device when the communication device initiates a call to a destination instrument (col. 5, ln. 51 to col. 6, ln. 4);

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accessing a database which stores information that associated telephone numbers with pre-paid telephone service and retrieving therefrom an amount of the pre-paid telephone service that is associated with the telephone number of the communication device (col. 5, ln. 51 to col. 6, ln. 4); establishing a connection between the communication device and destination instrument when the amount is greater than a first predetermined threshold value (a sufficient account balance; col. 3, ln. 36 to col. 4, ln. 18; col. 7, ln. 40 to col. 8, ln. 67), where a cost attributed to the connection increases with time during which the connection is maintained (col. 4, ln. 13-18; fig. 5, step 114); repeatedly determining when the cost of the connection comes within a second predetermined threshold of the amount (account balance valid for 1 more minute; see fig. 7, step 132; col. 8, ln. 26-67); and sending an indication to the communication device (fig. 7, step 136).

Fougnyes does not clearly teach sending an indication to the communication device providing courses of action to be taken upon expenditure of the amount.

Taskett teaches sending an indication to the communication device providing courses of action to be taken upon expenditure of the amount (col. 2, ln. 39-52; col. 7, ln. 45 to col. 8, ln. 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Taskett into the teachings of Fougnyes in order to provide a new prepaid calling card that permits that account balance to be regenerated more efficiently and with less risk of error.

Consider claims 22-27. Taskett's col. 8, ln. 1-11 reads on the limitations of claims 22-27.

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Consider claim 28. It is inherently that when the telephone number is not found in the database (i.e., ANI validation fails), the balance is null or nonexistence.

Consider claim 29. Fougnyes further teaches the cost is charged against the amount at a preselected point in time (col. 8, ln. 26-49).

Consider claims 30-31. Fougnyes teaches determining if the account balance valid for 1 more minute (see fig. 7, step 132; col. 8, ln. 26-67) which reads on the limitations of claims 30-31.

6. Claims 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fougnyes et al (5,722,067) in view of Stimson (5,721,768).

Consider claim 13. Fougnyes teaches in a communication system including at least one network switch (LEC 20 inherently includes at least one switch) coupled, in part, to at least one caller via a communication device uniquely associated with the caller and for establishing the caller's identity in accordance with a number associated with the caller's communication device, comprising a database (19) storing information in accordance with the caller's telephone number (a cellular radiotelephone's preprogrammed a pre-selected telephone number and an automated number ID (ANI); see the abstract), the information indicating a budgeted calling amount for the caller (col. 5, ln. 51 to col. 6, ln. 4; col. 7, ln. 40 to col. 8, ln. 67); a control processor (call processing at the host computer 16) inherently establishing a maximum allowable time length for the caller based on the information and on the destination of the caller's call (col. 8, ln. 26-49), the

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control process further accessing a routing database for obtaining routing instruction for routing the call to the destination (col. 8, ln. 11-25), and the processor further monitoring the call in progress to determine how much time has elapsed for the call (col. 8, ln. 50-57); and a voice response unit coupled to the processor and to the network for sending one message to the caller indicative of the amount of time available to the caller (col. 8, ln. 67 to col. 9, ln. 8). Fougnyes does not teach a telephone line uniquely associated with the caller. However, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Fougnyes in any network environment without changing the scope of the claimed subject matter which is to transmit the ANI and a DNIS to a switch, which contacts a host computer for call validation the pre-paid account. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the teachings of Fougnyes in a land-line telecommunication network, so that the telephone users are freed of the need to enter account information as a first step in the authentication process.

Fougnyes does not teach voice response unit for sending messages to the calling customer in response to the processor at the beginning of each budgeted call to indicate remaining budgeted telephone calling time and amount available to the calling customer for the telephone call.

Stimson teaches voice response unit for sending messages to the calling customer in response to the processor at the beginning of each budgeted call to indicate remaining budgeted telephone calling time and amount available to the calling customer for the telephone call (col. 5, ln. 42-63).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Stimson into the teachings of Fournies in order to provide a new prepaid calling card that permits that account balance to be regenerated more efficiently and with less risk of error.

Consider claim 17. Fournies teaches in a communication system including at least one network switch (LEC 20 inherently includes at least one switch) coupled, in part, to at least one caller via a communication device uniquely associated with the caller and for establishing the caller's identity in accordance with a number associated with the caller's communication device, comprising a database (19) storing information in accordance with the caller's telephone number (a cellular radiotelephone's preprogrammed a pre-selected telephone number and an automated number ID (ANI); see the abstract), the information indicating a budgeted calling amount for the caller (col. 5, ln. 51 to col. 6, ln. 4; col. 7, ln. 40 to col. 8, ln. 67); a control processor (call processing at the host computer 16) inherently establishing a maximum allowable time length for the caller based on the information and on the destination of the caller's call (col. 8, ln. 26-49); the LEC 20 inherently accessing a routing database for directing the call to the destination; the processor further monitoring the call in progress to determine how much time has elapsed for the call (col. 8, ln. 50-57); and a voice response unit coupled to the processor and to the network for sending one message to the caller indicative of the amount of time available to the caller (col. 8, ln. 67 to col. 9, ln. 8). Fournies does not teach a telephone line uniquely associated with the caller. However, it would have been obvious to one of ordinary skill in the art to utilize the

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teachings of Fournies in any network environment without changing the scope of the claimed subject matter which is to transmit the ANI and a DNIS to a switch, which contacts a host computer for call validation the pre-paid account. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the teachings of Fournies in a land-line telecommunication network, so that the telephone users are freed of the need to enter account information as a first step in the authentication process.

Fournies does not teach voice response unit for sending messages to the calling customer in response to the processor at the beginning of each budgeted call to indicate remaining budgeted telephone calling time and amount available to the calling customer for the telephone call.

Stimson teaches voice response unit for sending messages to the calling customer in response to the processor at the beginning of each budgeted call to indicate remaining budgeted telephone calling time and amount available to the calling customer for the telephone call (col. 5, ln. 42-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Stimson into the teachings of Fournies in order to provide a new prepaid calling card that permits that account balance to be regenerated more efficiently and with less risk of error.

Allowable Subject Matter

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7. Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296 (Group's Fax numbers)
(703) 746-7251 (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

May 16, 2002


DUC NGUYEN
PRIMARY EXAMINER